IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.158 OF 2006

The Barashiv Hanuman Sahakari Sakhar Karkhana Ltd. .. Petitioner
v/s.
Apex Urban Cp-operative bank of Maharashtra and Goa Ltd. & ors. .. Respondents

Mr.Rajiv L. Patil for petitioner.
Mr.R.M.Patne for respondents.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 21st February 2006

P.C. :

1. Heard Mr.Patil in support of this Petition.

2. The Petition seeks to challenge the order dated 29th November 2005 passed by the Presiding Officer of Debts Recovery Tribunal-1 directing the sale of the sugar stocks of the petitioner through the Receiver appointed by the Debts Recovery Tribunal. The order is passed on Original Application No.85 of 2005 filed by Rupee Co-operative Bank Ltd. and others who are respondent No.2 and others in the present Petition. The order records the statement of the petitioner's Advocate that the petitioner has no objection to sell the stocks. But his only

request was that the petitioner should be allowed to conduct the sale. The Presiding Officer has rejected that request and in our view rightly. He has, however, provided that the petitioner can bring bidders to see to it that if its apprehension is that the stocks will be sold at a lower price, that will be taken care of. There is no reason to interfere. Petition is dismissed.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)